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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by Organisation internationale pour les pays les moins avancés, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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approach to conflict prevention and Human rights based peacebuilding in Yemen

As far as the International Organisation for LDCs (IOLDCs) is concerned with Yemen as one of the LDCs, where the situation of humna rights remaines fragile and the absence of the fundamental rights across the country, including, and the absence of children and women rights, the absence of the rule of law and the right of security and live, and the spread of famine and diseases due to the ongoing war.

The IOLDCs has carried out a comprehensive survey on the complexities and the constraints and the obstacles which hindered the efforts of the former Special Envoy for Yemen, and concluded that, the lack of awareness to the essence of the conflict and its root causes, the absence of the comprehensive vision of lasting solution, and the failure to deal with the crisis on the basis of human rights based approach instead of political based approach has led to decline the chances of the success of his mission. The IOLDCs believes that, any future negotiations will be carried out with the same manner of the previous ones would be fragile and will pave the way from its current conflict to new and multiple ones that could lead Yemen to join the countries of intractable crises.

For that reason, the IOLDCs has identified that, the key solution for the situation in Yemen should be started in tackling the root causes of the South-North conflict. The starting point is to highlight the plight of the Southern people, and to find an effective and practical solution for conflict prevention post-conflict and peacebuilding, alltogether with constructive proposals which could help the Human Rights Council to follow-up the matter with the Secretary-General and the UN Security Council towards promoting human rights, eradicating terrorism, eleminating intolerance and extremism and assisting the process of the implementation of the SDGs as follows:

1. Human rights violation started in1990 when the peremptory norms of general international law "jus cogens" have been breached by the Yemen Arab Republic by non-compliance with the requirements of the transitional period as stipulated in the unification agreement, followed by declaration of war over the South in April 1994 which left the door open for Al-Qaeda order to cultivat chaos and turmoil in the South, and caused several types of human rights violations, including gross violations, some of which could be considered as crimes against humanity.

2. The past years have proved that the current Yemeni situation, with all of its complication and conflicts, is a result of the "Yemeni Unification" that failed when born and was later imposed by force. This violent imposition of unity led to past, present and to future conflicts that affected not only Yemen but the entire region, threatening the international peace and security as evident in the last UNSC resolution No. 2342 of 28 February 2017on Yemen.

3. The Southern people have repeatedly petitioned to the UNHRC and to other UN organs including the UN Security Counsil to consider thier arguments and the facts based on peremptory norms of international law which could help the UNHRC to determine the root causes of the current situation in the South in order to recommend the UNSC to take apprpriate measures to avoid a new war disaster whose indicators are looming.

4. As the UNHRC aware, any agreement between two States from the standpoint of international law is less important than the treaty. Moreover, there are peremptory norms of general international law (jus cogens), which were accepted and recognized by the UN member states and no derogation or breach is permitted, but they can be modified only by a subsequent norm of general international law having the same character. These norms cannot be set aside or suspended, even upon the express consent of states. These norms consider any bilateral treaty or agreement between States with its legal force as void when it breaches the peremptory norms of general international law "jus cogens."

5. This breach can be witnessed in violating Article 60 of the Vienna Convention on the Law of Treaties on termination or suspension of the operation of a treaty as a consequence of its breach when the Vice

President Ali Salem Albidh at that time invoked the breach of the bilateral agreement by the Yemen Arab Republic and announced the re-establishment of the Democratic Republic of Yemen on 21 May 1994.

6. Since 1994 war, the South has been under the control of the Northern military and security forces, the Herak wa established in 2007, and the southern resistance was enabled to restore the South in 2015 which resulted in a new reality on the ground, where the Southern resistance took control over the Southern soil, followed by the establishment of the Southern Transitional Council that received extraordinary public support.

7. Today, the IOLDCs recognize that, the Southern Transitional Council seek a negotiation with the UN in order lead to a rearrangement of the relationship between the North and the South and an agreement to resolve the overlaps that occurred during the past two decades, and confirms its openness to any positive initiatives concerning the Yemeni crisis while taking into consideration the particularity of the Southern issue, and the real changes made on the ground in the south territory as a new outcome of the 2015 war , which should be addressed in isolation from the Northern crisis and its conflicting parties that seek to control the North.

8. The aim of the Southern Transitional Council is to restore the sovereign state, on the Southern soil, and to obtain its membership in the UN, and confirms that, the imminent State of the South will be qualified to enact according to the Charter of the United Nations, and it will comply with international law principles, and all regional and international agreements and treaties, including those that have been signed in the past since November 30,1967.

To prevent imminent catastrophe, whose consequences overwhelmingly affect all the region, the International Organisation for LDCs "IOLDCs" aimes at highlighting the plight of the voiceless Southren people and indicating an effective road map for conflict prevention, post conflict peace-building, for promoting human rights and implementing the SDGs in this country by encouraging the UNHRC to take appropriate plan of actions including the following measures:

1. To request the High Commissioner to include the Southern issue in his report to the Human Rights Council at its thirty-ninth session.

2. To request the New UN Special Envoy for Yemen to consider the Southern Issue separately as a starting point to achieve peace efforts towards achieving security, peace and stability in the region, and to resume negotuations based on SC resoulutions 924 and 931of 1994 which was stoped and to facilitae the arrangement the declaration of the re-establishment of the Two former States.

3. To request the UN Security Council pass a resolution that stresses international protection of the Southern people and the sending of UN troops to Yemen to secure the pre-1990 borderline between the South and North after exhausting peaceful means.

4. To to recomend the Security Council to deploy peacekeeping operation in accordance with Article 39 of Chapter VII of the Charter, which gives the authority to take its responsibility when it considers a conflict a threat to international peace and security. The presence of peacekeeping mission would help in coordinating the North-South separation process along the borders of the two states known before May 22, 1990, in normalizing the situation between the Two re-established, in monitoring the ceasefire on the borders, in playing a key role in supporting the independence of the South by carrying out the tasks of providing security and supporting the rule of law, as well as providing humanitarian assistance, supervising elections, providing advice and training in all areas of the State and assisting the South State in regaining its membership in the United Nations.

5. To encourage the former the representatives of the two former states, Yemen Arab Republic, and Demoratic Republic of Yemen to reinforce the need to rebuild a new geopolitical reality based on regional and international partnership that would help, after completing the rearrangements of the transitional period of the two states, to found elevated relations between the Two States deriving from good-neighborly

relationship and mutual cooperation that would assist in eradicating terrorism and extremism and achieving security, stability, and sustainable development.

6. To encourage the GCC to reinforces the need to rebuild a new geopolitical reality based on regional and international partnership that would help, after completing the rearrangements of the transitional period of the two states, and the need to promote strong relationship between the South and the Gulf Cooperation Council Council, as well as the importance of the South as a strategic depth for the neighboring states and an essential part of the Arabian Peninsula and its intersecting matrix of family ties, traditions, religion, language, history, aspirations, and mutual concerns.